

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :
 :
 Plaintiff, :
 :
 v. : Criminal Action No. 99-33-2-JJF
 :
 :
 LEROY COLEY, :
 :
 Defendant. :
 :

O R D E R

At Wilmington, this 8 day of July 2005, for the reasons
set forth in the Memorandum Opinion issued this date;

IT IS HEREBY ORDERED that:

1. Defendant's Motion For Modification Of Sentence
Pursuant To 18 U.S.C. § 3582(c)(2) (D.I. 204) is DENIED.

2. To the extent that a determination regarding a
certificate of appealability under 28 U.S.C. § 2253(c)(2) may be
required, the Court finds that Defendant has failed to make "a
substantial showing of the denial of a constitutional right" see
United States v. Cepero, 224 F.3d 256, 267-68 (3d Cir. 2000), and
therefore, a certificate of appealability is DENIED.


UNITED STATES DISTRICT JUDGE